

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES BRETT, BUILDING
INSPECTOR OF TOWN OF HAMILTON,

Plaintiff,

v.

IRINA V. TEMKINA,

Defendant.

No. CV-05-11542-RGS


MOTION TO DISMISS PLAINTIFF'S COMPLAINT

The defendant Irina V. Temkina respectfully requests that this court dismiss the plaintiff's complaint in accordance with Fed. R. Civ. P. 12(b)(6). The plaintiff has failed to state a claim where his allegations that the defendant is violating the state building code and a local zoning by-law are not merely presently moot but did not establish a cause of action at the time the plaintiff's complaint was filed. Where these defects in the plaintiff's cause of action are evident from the face of the plaintiff's pleading, the plaintiff's complaint should be dismissed.

A memorandum in support of the defendant's motion is attached hereto.

Dated: August 05, 2005

DEFENDANT,



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